

**REMARKS**

The Office Action dated May 9, 2001 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended Claims 1, 3, 4, 8 and 9 in a sincere effort to overcome the Examiners rejections. Applicant has also added new Claim 17 which defines a thermometer in accordance with the present invention.

In the Office Action, the Examiner has withdrawn from consideration Claims 11-16 as being directed to a non-elected invention. Accordingly, Applicant has cancelled Claims 11-16 without prejudice to pursue these claims in a divisional application.

The Examiner has also objected to Claim 3 based on an antecedent informality and has rejected Claim 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has helpfully pointed out the basis for this rejection. In response, Applicant has amended Claim 3 to insert the word - - a - - after "from" in line 2 and has amended Claim 9 to overcome the §112 rejection. In particular, Claim 9 has been amended to define the thermometer as being sealed by ultrasonic welding as opposed to the monolithic housing. In this regard, Claims 3, 4 and 8 have also been amended for clarification.

Claims 1-3 have also been rejected under 35 U.S.C. §102(b) as being anticipated by JP 07027626 (hereinafter JP). Specifically, the Examiner contends that the JP reference discloses a thermometer comprising a housing having an outer and an inner surface and is made from a unitary (monolithic) transparent member. The Examiner further points out that other than a window area, the surface is coated with an opaque member 13 and that the thermometer also comprises a temperature sensor, a cover and a display.

Claims 4-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the JP reference in view of U.S. Patent No. 4,729,672 to Takagi, U.S. Patent No. 4,738,549 to Plimpton and U.S. Patent No. 6,068,399 to Tseng. Specifically, the Examiner contends that the limitations found in Claims 4-10 that are not disclosed by the JP reference are found in one or more of the additionally cited references. Therefore, the Examiner concludes that it would have been obvious one of ordinary skill in the art at the time the invention was made to combine the JP reference with the teachings of one or more of the additionally cited references to obtain a device as defined by Claims 4-10.

In response to the prior art rejections cited by the Examiner, Applicant has amended Claim 1 to further define the claimed features of the invention. Claim 1, as amended, defines a thermometer housing having at least a substantial portion of at least one of an outer surface and an inner surface being rougher than a substantially transparent viewing area surface so that light passing through the rougher surface is diffusely scattered. As a result, the rougher surface is substantially non-transparent and the substantially transparent viewing area surface allows the display element to be visible therethrough. New Claim 17 also defines a thermometer having a housing with these features. It is respectfully submitted that none of the prior art references cited by the Examiner, taken alone or combined, teach or suggest this aspect of the invention.

For the convenience of the Examiner, Applicant has submitted herewith an English translation of the JP reference. As clearly shown in the abstract and the full translation of the JP reference, the disclosed housing is provided with a separate "opaque coating member 13", i.e. a layer of paint, to make the housing non-transparent. It is readily apparent that the process of providing a subsequent coating member to the housing as suggested by the JP reference is a complicated, and therefore expensive, manufacturing process. Unlike the device disclosed by the JP reference, the thermometer of the present invention does not require a separate coating member to provide non-transparency to the housing. Instead, the housing of the present invention includes a roughened surface that diffusely scatters light

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passing therethrough to make that portion of the housing non-transparent. There is absolutely no mention in the JP reference of providing a housing with a non-transparent roughened surface as now defined by amended Claim 1 and new Claim 17. Nor is there any teaching or suggestion in any of the other cited references, taken alone or combined, of this feature of the present invention. Accordingly, Applicant respectfully submits that Claim 1, as amended, the Claims that depend therefrom and new Claim 17 patentably distinguish over the prior art.

In view of the foregoing amendments and remarks, entry and favorably consideration of the amendments and allowance of the application with Claims 1-10 and 17 are respectfully solicited.

If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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**VERSION OF AMENDMENT WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please cancel Claims 11 – 16 without prejudice.

Please amend Claims 1, 3, 4, 8 and 9 as follows:

1. (Twice Amended) An electronic fever thermometer including a housing made from a transparent material, the electronic fever thermometer comprising:  
a temperature sensor; and  
a display element to display the temperature measured by the temperature sensor, the housing having an outer surface<sub>2</sub> [and] an inner surface and at least one substantially transparent viewing area surface, at least a substantial portion of at least one of the outer and inner surfaces being rougher than the viewing area surface [treated] such that light passing through the rougher surface is diffusely scattered whereby [at least a portion of] the rougher surface is substantially non-transparent, [the housing having at least one substantially transparent viewing area,] the housing being [capable of being] formed as a single monolithic unit, the display element being arranged adjacent to the viewing area.

3. (Amended) An electronic fever thermometer according to Claim 1, wherein the thermometer [housing] includes a main part and a cover part which are each produced in one piece from a transparent plastic material.

4. (Amended) An electronic fever thermometer according to Claim 1, wherein the thermometer [housing] includes a metal tip, the metal tip being disposed at one end of [in] the housing, the temperature sensor being positioned in the metal tip.

8. (Amended) An electronic fever thermometer according to Claim 1, wherein the thermometer [housing] includes a switch.

9. (Amended) An electronic fever thermometer according to Claim 1, wherein the thermometer [housing] is sealed by ultrasonic welding.

Please add the following new Claim 17:

17. (New) An electronic fever thermometer comprising:  
a temperature sensor;  
a display element for displaying the temperature measured by the temperature sensor; and  
a housing made from a transparent material for housing the temperature sensor and the display element, wherein the housing includes a substantially transparent viewing surface and a substantially non-transparent light diffusing surface, the light diffusing surface being rougher in texture than the viewing surface so that light passing through the light diffusing surface is diffusely scattered, the display element being positioned within the housing adjacent the viewing surface to be visible therethrough.